

IPSWICH PLANNING BOARD MEETING MINUTES

Thursday, April 14, 2016, 7:30 p.m.

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the Ipswich Planning Board was held on Thursday, April 14, 2016 in Room A, 2nd floor of Town Hall. Board members Heidi Paek, Jay Stanbury, Keith Anderson, Kathleen Milano and Cathy Chadwick and Associate member, Carolyn Britt, attended. Senior Planner, Ethan Parsons, also attended.

Paek convened the meeting at 7:31 pm with a quorum present.

Citizens' Queries:

Kathleen Spinale, 27 Pleasant Street: Said the agenda was not available online. Because of this she could not access the agenda. Parsons explained agendas are not viewable on certain mobile devices. Spinale asked that this be brought to the attention of the Town Manager.

Brett Johnson, 12 Mill Road: Asked if decisions are available online after they are filed. Paek suggested emailing or calling the Planning Department and they will email or mail any information. Special Permits are available on the Registry of Deeds website. Johnson asked how a neighbor could report that conditions of decisions were not being met. Paek said that this information should be brought to the Planning Board's attention. Johnson also asked what would happen if the person who submitted the application was not the owner. Paek explained that if a decision has been issued and it appears the terms of the agreement are not being followed, complaints should be brought to the Planning Board.

Approval Not Required Plan, 12 Highland Avenue

Frontage and access is adequate and subdivision control rules do not apply.

Chadwick moved to endorse the ANR plan. Anderson seconded. The motion passed unanimously.

Documents:

- 12 Highland ANR Plan, prepared 11/5/15 by Christopher R. Mellow, PLS, Eastern Land Survey Associates, Inc.

New Public Hearing: Request by Aubuchon Hardware for special permit for wall sign at 116 County Road

Paek read the legal notice. Peter Pommersheim, Meridian Associates, appeared before the Board. The applicant, Add-A-Sign Signs, LLC, is applying for a wall sign that is larger than allowed in the Zoning Bylaw, therefore a special permit is required. Chadwick noticed they are using low voltage LED channel letters and was wondering if this would be discussed. Pommersheim passed out photos of how this would look, noting that only the letters would be illuminated. Milano asked if the Benjamin Moore sign would also be lit. Pommersheim was not sure if it would, but to be safe he said it may be. There was a discussion about the lighting allowances in the Zoning Bylaw. Anderson has no problem with how the sign is illuminated if it is only illuminated during business hours. Chadwick felt this was something the Board needs to work on and noted that she does not feel internal illumination should be allowed. Paek is not opposed to what is presented. Chadwick would like it if the Benjamin Moore part was not illuminated.

Parsons read the draft decision. Paek had one change, on finding #1 she would like the language to reflect what the Bylaw states. “The number of occupants and signs per building...”. Stanbury stated that the sign was in scale with the building and the size made sense.

Anderson moved to approve the special permit. Milano seconded. The motion passed unanimously. Anderson moved to close the hearing. Milano seconded. The motion passed unanimously.

Documents:

- *Aubuchon Hardware wall sign drawing, prepared by Add-A-Sign Signs, LLC*
- *Special Permit application, prepared 3/17/16*
- *Photograph of Aubuchon Hardware wall signs*
- *Draft decision, prepared 4/14/16*

New Public Hearing: Request by Nicole Linehan and Kathleen Rhodes for a Special Permit for proposed conversion of an accessory building to a dwelling unit at 51 Heartbreak Road

Paek read the legal notice. Attorney Rich Kallman appeared before the Board to discuss the project. An existing 3 bay garage would be converted. The building is already approved for use as a guest house. The property is over an acre in area and there are not a lot of abutters. The current owners bought the house in June of 2015 with the intent of using the guest house for both sets of their parents. A set of parents would be moving to Town and living in the converted apartment. There are no exterior changes planned to the structure or the site. Paek felt this seemed pretty straight forward but wanted to schedule a site visit for Sunday, April 24 at 4:00 PM. Britt asked about the septic system and Kallman noted that the proposed dwelling would fit within the approved system.

Paul Brouillette, 60 Essex Road: Said he was opposed to the project because it is detrimental to the neighborhood. He said the applicants are great neighbors but the project greatly affects the value of his home next door. It is built right on the lot line. He sold this property to the previous owners, and was ok with it being a guest house but he is not ok with it being a rental unit. He knows the septic is for 3-4 bedrooms and this conversion would make 5 on site. Paek said they would verify that the Board of Health finds the project compliant.

Anderson moved to continue the public hearing. Milano seconded. The motion passed unanimously.

Documents:

- *Special Permit application form, prepared 3/21/16*
- *Deed, recorded at Book 34161, Page 433, Southern Essex District Registry of Deeds*
- *Plan of Land, received by Planning and Development Department 3/21/16*
- *Photographs, Linehan guest house, 51 Heartbreak Road*

New Public Hearing: Request by John and Nicole Robie for a Special Permit and Site Plan Review for a proposed 10-unit multifamily development at 48 Market Street

Paek read the public notice. John and Nicole Robie, applicants, and Richard Griffin, architect, appeared before the Board. The applicant is proposing to construct an additional building that will contain eight, one bedroom units. They are not proposing to alter the existing residential building. Griffin explained the site constraints at length and where the new building would be located. Stanbury is pleased they plan to

include an accessible unit. It was confirmed the four units on the first floor would be wheelchair accessible and convertible. The grade of the driveway is too steep. It has been mitigated as much as possible. They were able to add a path from the parking area that has a much lower slope though one would need a car to get up the driveway to access the path. Stanbury stated that the Board prefers dim lighting. He worries about bright lights shining on the neighbors. It was explained the brighter lights are only on the back of the building. They will take a closer look at the lighting. Britt had questions about parking layout. The parking plan was shown and explained at length. They would like to preserve the front lawn since it is so distinctive. The inclusionary housing requirements were discussed. The applicant is proposing a \$15,000 payment to the Affordable Housing Trust to meet the requirements of footnote 11 and one affordable unit to comply with the inclusionary housing requirements. They are on the agenda for a meeting with the Affordable Housing Partnership and Trust Board to discuss this further. The affordable unit would rent for approximately \$973, which includes utilities. The other units may rent for around \$1,100. The Board set up a site visit for April 24th at 4:45. Milano asked if snow storage was called out on the plan and its location was confirmed. Milano asked if the Fire Chief had weighed in it. This application is before department heads as well. The Applicant said that the Fire Chief said he could get a fire truck up the driveway and the new building will be fully sprinkled. Anderson asked if the stonewall that borders Richdale's and the subject property would be made to look nicer. It was confirmed that they would be improving the wall.

Chadwick moved to continue the public hearing. Stanbury seconded. The motion passed unanimously.

Documents:

- *Special Permit application form, prepared 3/21/16*
- *Site Plan Review application form, prepared 3/21/16*
- *Stormwater Management Report, prepared 4/5/16 by John Judd, P.E.*
- *Site Plan, Sheet 1 of 2 and Details & Sections, Sheet 2 of 2, prepared by John Judd, P.E., 3/31/16*
- *Architectural Plans, prepared by Richard Griffin, Architect*
 - o *Landscape and Lighting Plan, Sheet DD-100, 3/31/16*
 - o *Site Plan, Sheet SD-101, 2/22/16*
 - o *Site Sections, Sheet DD-102, 3/15/16*
 - o *Design Plans + Sections, Sheet SD-103, 2/22/16*
 - o *Elevations, Sheet DD-104, 3/31/16*
 - o *Elevations, Sheet DD-104A, 3/31/16*

Continued Public Hearing: Request by Field of Diamonds, LLC for a Special Permit and Site Plan Review for proposed O'Reilly Auto Parts, 80 Turnpike Road

Michael Dryden, Bohler Engineering, handed out drawings of the proposed view from Turnpike Road. He noted the extent to which the current vegetation would be preserved. Chadwick asked how the proposed signs compare to those at Tractor Supply. Dryden stated that they would be smaller as the building is also smaller. Dryden stated that the Design Review Board had relatively minor comments and they have been addressed. They also addressed comments from the Board of Health. Paek felt this building would fit between the existing buildings quite nicely and does not have any reservations. Anderson asked if they had given any considerations to adding false windows similar to those at Tractor Supply. Dryden said the tenant would rather avoid shutters on that face of the building. The Board asked Parsons to prepare a draft decision for the next meeting.

Chadwick moved to continue the public hearing. Anderson seconded. The motion passed unanimously.

Documents:

- *Site Perspective from Turnpike Road, prepared by Bohler Engineering, 4/12/16*
- *Reciprocal Easement and Operation Agreement, 80 Turnpike Road*
- *Peer review letter from Cammett Engineering, Inc., dated 4/5/16*
- *Drainage Report for Proposed O'Reilly Auto Parts, prepared by Bohler Engineering, 2/17/16, revised 4/13/16*
- *Letter from Bohler Engineering to Planning Board, dated 4/13/16*
- *Exterior Elevations, Sheet A3, prepared by Buddy Webb, 4/20/16*
- *Site Development Plans for Proposed O'Reilly Auto Parts at Turnpike Road, prepared by Bohler Engineering, 2/17/16, revised 4/13/16*
 - o *CT1 of 2: Cover Sheet*
 - o *CT2 of 2: General Notes Sheet*
 - o *D1 of 1: Site Development Plan*
 - o *C1 of 7: Site Grading and Drainage Plan*
 - o *C2 of 7: Site Development Plan*
 - o *C3 of 7: Site Development Details*
 - o *C4 of 7: Erosion and Sediment Pollution Control Plan*
 - o *C5 of 7: Erosion and Sediment Pollution Control Details*
 - o *C6 of 7: Site Utility Plan*
 - o *C7 of 7: Drainage and Utility Details*
 - o *L1 of 3: Landscape Plan*
 - o *L2 of 3: Landscape Details*
 - o *L3 of 3: Irrigation Coverage Plan*
 - o *SL of 1: Site Lighting Plan*

Continued Public Hearing: Request by Frederick Scopa for a special permit for the proposed conversion of an accessory structure into a dwelling unit at 44 Brownville Avenue

Fred Scopa, Applicant, and Ken Savoie, Architect, appeared before the Board. An updated site plan was handed out to the Board. Savoie noted that the main change is the elimination of the car port as they felt there was concern about the amount of structures on the site. Its removal would simplify the parking situation on the site as the new plan has six surface parking spaces. The other changes include the addition of more screening around the perimeter of the site, especially along the back of the property line. They are also proposing a fence. The new building would have sprinklers to meet fire codes. The building would be moved to conform to existing setbacks. Relocating the building would also provide more privacy for the tenant. Paek is still concerned about drainage and other details. She asked if the plan handed out tonight had been shared with the neighbors. She said she would like the Applicant to prepare a stormwater management plan and have professional input on that plan. She said that if the building is moved it should be done in a manner that does not significantly alter the view from neighboring properties. Savoie wanted to get a sense from the Board as to whether they would support the application before the Applicant proceeded with expensive drainage reports. Paek is glad to have a revised plan, but is still making up her mind on whether the changes are good enough. Milano asked what the community benefit is in this case. Savoie suggested that it would be satisfied by a \$10,000 payment to the Affordable Housing Trust.

Kathleen Spinale, 27 Pleasant Street: Said she was confused because the asphalt is being increased by 900 square feet and there are water issues in this area. She is still struggling with the fact that this is a demolition and not a conversion. She also feels this is not affordable and wonders if any of the affordability requirements are being met. She also questioned the credibility of the Affordable Housing Trust. She has severe reservations about these conversions in Town, especially in the IR District. Paek

said that the size of the structure refers to what is above grade. She said she also is concerned about the proposed basement due to the drainage issues in the area. She noted that the Zoning Bylaw is specific about affordable housing being either an affordable unit or a payment in lieu of an affordable unit.

Joseph Sammon, 47 Brownville: Asked why the existing garage couldn't be converted. Savoie said foundation is questionable and it has been cobbled together in a few different ways and the slab is uneven. It wouldn't be desirable to build a house on a slab in any case and they are not sure they can have a basement here. Due to the nature and frame of the building and foundation it is much more cost effective to tear it down. They could put it back in the same location but they felt it was better for abutters to move it to conform to setback requirements. Sammon suggested that structural engineers should look at the existing building. He still feels there are a lot of things that need to be ironed out before approval. Paek asked if he would be more supportive if the structure were to remain on the same footprint. Sammon said this needs further consideration.

Kathleen Spinale, 27 Pleasant Street: Said that after conversations with abutters there are two issues. If it were the existing structure without adding to the existing driveway it would be more palatable. This would reduce the potential risk of increased runoff issues for the neighbors. She said that she still thinks that if all the accessory structures were converted in this area it would be a big problem for the Town.

Anderson asked Savoie about the trees being proposed. Savoie said they would plant a mixture of evergreens that are narrow as these would be the most effective way to provide screening. He said they would need to clarify that as well as the drainage details. He understands more information is needed but they have an intent to provide screening. Milano stated that she also has concerns about high volume of accessory conversions in this area, noting that this area already has a lot of traffic and feels adding regular traffic makes the situation worse. Paek said there is a shortage of housing in Ipswich and appreciates the need for smaller scale housing. This is a tight area and she remains most concerned about the drainage in this area. She cannot give an opinion on this project without an understanding of drainage. Britt thinks the Board needs to be realistic about storage in small units like this and really think about how people live. Chadwick asked if they had looked into alternatives to paving the driveway area. Savoie said a hard surface is the most practical but they could look into something other than pavement. Chadwick also wanted snow storage explained. Savoie pointed out snow storage areas. Stanbury said he is favor of removing the carport but he questioned whether the proposed project would be better than renovating the existing garage. He does not want to set a precedent for this district. Paek suggested that the Board needs to be absolutely sure drainage is going to improve not just maintain the existing condition. Stanbury would like it conditioned that they cannot build any other structure on the site. Chadwick agreed. The owner said he would agree to that. Anderson said he felt it was a visible improvement, in theory creating housing in the IR District is a goal but the issues with this project are multiple. He does not see this as meeting the intent of the Bylaw and he does not feel the payment in lieu cuts it for the affordable housing requirement. He said he would prefer an affordable unit. Anderson said that the project would intensify the density of this lot and area. He said he shares questions about drainage and would be hard pressed to support a conversion of the existing building.

Scopa felt this was a better looking lot. He said the intent is not to upset the neighborhood and he would try to address the drainage concerns. He said this would benefit the Town and is uncomfortable with the negativity to the project. He said he has met all the requirements of the Bylaw.

Joseph Sammon, 47 Brownville: Asked if there is a threshold for requiring a dumpster. It was confirmed that this site wouldn't require a dumpster.

Savoie said he was upset about the Board members' reservations about rebuilding the structure because the Bylaw allows for this and they met all the requirements. He feels the Board should be supportive of projects that meet the criteria. He feels they are being discouraged from doing something the Bylaw allows and the community development plan encourages.

Paek said that the special permit authority gives the Board discretion and in this case it is really a tough call. She agrees buildings could be moved and sees some benefit in moving the garage but the applicant is also required to make sure it does not substantially alter the visual impact on neighbors. Parsons reiterated that the Board has said it needs more information to make a decision. He suggested that perhaps this information would not be required if the building were not proposed to be moved. He noted that the proposed building relocation was causing the need to examine questions pertaining to stormwater management, screening, and scale and these wouldn't be concerns if the existing building were proposed to be renovated.

Milano moved to continue the public hearing. Chadwick seconded. The motion passed unanimously.

Documents:

- *Sheet S1: Proposed Site Plan, prepared 2/25/16, revised 4/13/16, by savoie nolan Architects LLC*

Continued Public Hearing: Request by True North Ale Company, LLC and Ipswich Junction, LLC for Special Permits and Site Plan Review for an office building, enclosed manufacturing in a proposed building, storage building and related site development at 114-116 County Road

Peter Pommersheim, Meridian Associates, appeared before the Board. Pommersheim discussed where this project stood. The Conservation Commission closed the public hearing and were positive of the project and would provide conditions at the next meeting. They have a revised photometric plan to review, this was presented and discussed. Signs on the building were also presented and discussed. Stanbury asked if any variances would be required and it was confirmed that the signs were compliant. Stanbury also asked if the lighting would only be allowed during business hours. Paek was thinking the same, and felt this could be conditioned. Pommersheim received a response letter from Cammett and read through their comments. Pommersheim said they need to submit a written waiver request for the loading area dimensions. Pommersheim noted that Cammett recommended restricting hours of operation of businesses on the site to ensure adequate parking supply. He felt it would be unfair to restrict the hours when they do not have tenants leasing yet. They would like the decision to instead state that upon further review and recommendations made by the Police Chief, the Board could impose restrictions. Paek said that the Board had been flexible with allowing a reduction of parking supply and said her concern is the size of the lot and the size of the buildings. Parsons said it would give the Board the ability to lift the requirement if the owner can confirm that the tenant(s) in the office building would not create a parking supply concern. Anderson asked how the trigger for review is defined. It was confirmed it means actually occupied with a certificate of occupancy. Anderson had fears that if one building remained unoccupied longer, there could be information supplied that is not accurate. Andrew Beland, representing Ipswich Junction LLC, said that the applicant wanted to be able to live with the decision but also give the Board some information. They wanted to use real data in this assessment rather than hypothetical data. Pommersheim said that parking has been on the plan since the beginning, so he feels Cammett's parking recommendation was coming as a surprise. They are not opposed to gathering information, but they

would prefer this to be actual data. Paek suggested they do 3 and 6 month reviews and then after that annually.

There would be a revised condition 13, stating that the parking supply would be reviewed at 3 and 6 months post-occupancy and annually thereafter by the Planning Board. Britt felt this should be put back on the owners to demonstrate parking supply is sufficient. Anderson disagreed and felt they should review the parking situation at intervals. Parsons had reservations about continued enforcement, noting this condition sets future Boards up to having to do inspections every year. Pommersheim felt that they could write it so it was their right to review but not a requirement. Paek said she and Parsons would draft the paragraph about monitoring the problem. Anderson asked if they have to call out 160-180 days now or would complaints trigger it. Parsons asked if there would be penalties for failure to comply. This would be a zoning enforcement issue.

Parsons read the draft decision. Some minor revisions were suggested.

Chadwick moved to close the public hearing. Anderson seconded. The motion passed unanimously. Chadwick moved to approve the site plan approval as discussed. Anderson seconded. The motion passed unanimously.

Documents:

- Ipswich Junction Site Lighting with Wallpacks, prepared by Reflex Lighting, 4/14/16
- Draft decision, prepared 4/13/16
- Site Signage, prepared by Martins Design & Construction/ Lincoln Architects LLC, 2/29/16, revised 4/7/16

Continued Public Hearing: Request by Holloran Companies for a special permit and site plan review for eleven dwelling units and one commercial office unit at 30 South Main Street

John Seger, Seger Architects, appeared before the Board and discussed the status of the project. He said that the door at the handicap access ramp will be powered and an access card will be provided to occupants. The railings still meet code and are in good shape. He feels the best place for the handicap accessible trash bin would be at the end of the ramp. Paek is worried about the trash bins being moved over time and thought that other people might use them.

Parsons read the draft decision. There was a discussion about the community benefit required under footnote 11 of Section VI. The owner feels the handicap accessible unit is a substantial benefit combined with a payment of \$10,000 to the Housing Trust and a \$4,000 payment for Town recreation. Chadwick feels if they are willing to pay additional \$4,000 the Board should accept it. Milano agreed. Anderson is inclined to accept the \$4,000 if the applicant provides a historical plaque that describes the history of the building. Paek feels this is acceptable but the sign should be subject to approval by the Planning Board. Chadwick wanted to add a sentence describing that the applicant will be “making all reasonable efforts to protect the elm tree as a significant natural feature of the site.” Parsons discussed the affordable unit requirements. The certificate of occupancy for the affordable unit will be provided before the certificate of occupancy is granted for the 8th or subsequent units. Parsons suggested adjusting the hours of operation for Saturday to be 8-5 PM instead of 8-3 PM. He also suggested that condition 10A and 10B could say “Staff of the Planning Office”.

Chadwick moved to close the public hearing. Anderson seconded. The motion passed unanimously.

Anderson moved to approve the special permit and site plan approval as discussed. Chadwick seconded. The motion passed unanimously.

Documents:

- *Draft decision, prepared 4/8/16*

Continued Public Hearing: Request by J&K Realty Trust for a special permit for a multifamily use and modification of a site plan approval for the addition to a mixed use building and related site development at 195 and 199 High Street

Chadwick moved to extend the review period until May 6th. Stanbury seconded. The motion passed unanimously.

Stanbury moved to continue the public hearing without discussion. Chadwick seconded. The motion passed unanimously.

New Public Hearing. Request by J&K Realty Trust for a Water Supply Protection District special permit for a multifamily use and modification of a site plan approval for the addition to a mixed use building and related site development at 195 and 199 High Street

Stanbury moved to continue the public hearing. Chadwick seconded. The motion passed unanimously.

General Business:

The Board agreed to meet April 25th at 5 PM to discuss the Community Development Plan. Chadwick can't be there but can talk with staff in advance of the meeting. There is a tri-board meeting on April 28th to discuss the potential sites of the elementary school and it is requested the Planning Board attend.

The Board discussed who would be leading the potential zoning amendments project. Chadwick adding architectural preservation as a potential community benefit to footnote 11.

Documents:

- *Memo to Boards, Committees, Departments on Potential Zoning Amendments, 3/25/16*

ADJOURNMENT MOTION: Anderson moved to adjourn the meeting at 11:45. Chadwick seconded. The motion passed unanimously.

Respectfully submitted,

Jennifer Dionne

The Board approved these minutes on June 23, 2016.